THE HON'BLE Mr. JUSTICE V.V.S RAO

TUESDAY, THE 08TH DAY OF NOVEMBER, 2005

W.P.No. 23864of 2005

Between:-

P. Subrahmanyam

--Petitioner

And

The District Collector, West Godavari, Eluru and another.

--Respondents

Oral order:- (W.P.NO. 23864 of 2005)

The petitioner is the Sarpanch of Koderu Grampanchayath, Achanta mandal, West Godavari district. By the impugned order dated 19-09-2005, the 2nd respondent, in purported exercise of powers under the Rule 42(1) issued in G.O.Ms.No. 30 P.R. & R.D. Department dated 20-01-1995 (for short 'the Rules'), withdrew the cheque drawing powers of the petitioner, alleging that the petitioner misused the power in collecting the seignarage and spending them for panchyat roads and other works. Aggrieved by the said order, the petitioner has already filed an appeal on 01-10-2005 before the District Collector as per Rule 42 (2) of the Rules. The same is pending. In view of the settled position that a person having availed statutory remedy, cannot file a writ petition under Article 226 of the Constitution of India till such appeal is disposed of. This writ petition cannot be entertained.

The 1st respondent is directed to dispose of the appeal filed by the petitioner within a period of two weeks from the date of receipt of a copy of this order. It shall be open to the petitioner to obtain appropriate interim orders also from the appellate authority.

The writ petition, with the above observations and directions, is accordingly disposed of. No costs.

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V.V.S. RAO, J

Dated: 08-11-2005

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